



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,393	02/12/2001	Michele J. Harris	500592.90012	4573

7590 06/29/2004

Paul D. Amrozowicz, Esq.
Quarles & Brady Streich Lang LLP
Renaissance One
Two N. Central Avenue
Phoenix, AZ 85004-2391

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,393

Applicant(s)

HARRIS ET AL.

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3622

NON-FINAL ACTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3622

2. Claims 1-57 are rejected under 35 U.S.C. §103(a) as being unpatentable over Langheinrich 6,654,725 (11/25/2003) [US f/d: 11/9/1999] (herein referred to as ("Langheinrich")).

As per claim 1, Langheinrich (col. 1, ll. 27-29) discloses: "*user's browser window.*"

Langheinrich (FIG. 3, el. 1009) discloses: "*Banner Image.*"

Langheinrich (FIG. 1; the ABSTRACT; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 4; FIG. 9A; FIG. 9B; FIG. 9C; FIG. 10; FIG. 11; col. 1, ll. 20-67; col. 2, ll. 15-40; col. 2, ll. 49-67; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 15-67; col. 6, ll. 7-67; col. 7, ll. 1-60; and whole document) shows: "A method of providing web-based marketing . . . providing an online publisher server computer including at least a content-based website stored in memory, the content-based website including one or more web pages that are formatted to be displayed form the online publisher server computer in a first display region of a client computer browser display screen; providing an online advertiser server computer including a marketing-based website store din memory, the marketing-based website including one or more web pages that are formatted to be displayed form the online advertiser server computer in a second display region of the client computer browser display screen; transmitting a homepage of the content-based website form the online publisher server computer for display in the client computer browser display screen; and transmitting one

Art Unit: 3622

of the formatted web pages of the content-based website from the online publisher server computer for display in the first display region of the client computer browser display screen and simultaneously and independently transmitting one of the formatted web pages of the marketing-based website from the online advertiser server computer for simultaneous and independent display in the second display region of the client computer browser display screen, in response to a client computer user selecting a hyperlink displayed on the homepage.”

Langheinrich lacks an explicit recitation of the first and second display regions elements and limitations recited in claim 1.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Langheinrich (col. 1, ll. 27-29; and FIG. 3, el. 1009, as well as, FIG. 1; the ABSTRACT; FIG. 2; FIG. 4; FIG. 5; FIG. 4; FIG. 9A; FIG. 9B; FIG. 9C; FIG. 10; FIG. 11; col. 1, ll. 20-67; col. 2, ll. 15-40; col. 2, ll. 49-67; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 15-67; col. 6, ll. 7-67; col. 7, ll. 1-60; and whole document) would have been selected in accordance with first and second display regions elements and limitations recited in claim 1, because selection of such features would have provided means for “*improving the system. . . . [and] method for providing customized advertisement selection and delivery on the network.*” (See Langheinrich (col. 2, ll. 40-50)).

Art Unit: 3622

As per claims 2-10, Langheinrich shows the method of claim 1 and subsequent base claims depending from claim 1.

Langheinrich (FIG. 1; the ABSTRACT; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 4; FIG. 9A; FIG. 9B; FIG. 9C; FIG. 10; FIG. 11; col. 1, ll. 20-67; col. 2, ll. 15-40; col. 2, ll. 49-67; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 15-67; col. 6, ll. 7-67; col. 7, ll. 1-60; and whole document) shows the elements and limitations of claims 2-10.

Langheinrich lacks explicit recitation of the elements and limitations of claims 2-10.

"Official Notice" is taken that both the concept and the advantages of the elements and limitations of claims 2-10 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the selection of such elements and limitations as found in claims 2-10 because selection of such features would have provided means for *"improving the system. . . . [and] method for providing customized advertisement selection and delivery on the network."* (See Langheinrich (col. 2, ll. 40-50)).

Independent claim 11 is rejected for substantially the same reasons as independent claim 1.

As per claims 12-23, Langheinrich shows the method of claim 11 and subsequent base claims depending from claim 11.

Langheinrich (FIG. 1; the ABSTRACT; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 4; FIG. 9A; FIG. 9B; FIG. 9C; FIG. 10; FIG. 11; col. 1, ll. 20-67; col. 2, ll. 15-40; col. 2, ll. 49-67; col. 3, ll.

Art Unit: 3622

40-67; col. 4, ll. 1-67; col. 5, ll. 15-67; col. 6, ll. 7-67; col. 7, ll. 1-60; and whole document) shows the elements and limitations of claims 12-23.

Langheinrich lacks explicit recitation of the elements and limitations of claims 12-23.

"Official Notice" is taken that both the concept and the advantages of the elements and limitations of claims 12-23 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the selection of such elements and limitations as found in claims 12-23 because selection of such features would have provided means for "*improving the system. . . . [and] method for providing customized advertisement selection and delivery on the network.*" (See Langheinrich (col. 2, ll. 40-50)).

Independent claim 24 is rejected for substantially the same reasons as independent claim 11.

As per claims 25-33, Langheinrich shows the system of claim 24 and subsequent base claims depending from claim 24.

Langheinrich (FIG. 1; the ABSTRACT; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 4; FIG. 9A; FIG. 9B; FIG. 9C; FIG. 10; FIG. 11; col. 1, ll. 20-67; col. 2, ll. 15-40; col. 2, ll. 49-67; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 15-67; col. 6, ll. 7-67; col. 7, ll. 1-60; and whole document) shows the elements and limitations of claims 25-33.

Langheinrich lacks explicit recitation of the elements and limitations of claims 25-33.

Art Unit: 3622

"Official Notice" is taken that both the concept and the advantages of the elements and limitations of claims 25-33 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the selection of such elements and limitations as found in claims 25-33 because selection of such features would have provided means for *"improving the system. . . . [and] method for providing customized advertisement selection and delivery on the network."* (See Langheinrich (col. 2, ll. 40-50)).

Independent claim 34 is rejected for substantially the same reasons as independent claim 1.

As per claims 35-42, Langheinrich shows the system of claim 34 and subsequent base claims depending from claim 34.

Langheinrich (FIG. 1; the ABSTRACT; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 4; FIG. 9A; FIG. 9B; FIG. 9C; FIG. 10; FIG. 11; col. 1, ll. 20-67; col. 2, ll. 15-40; col. 2, ll. 49-67; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 15-67; col. 6, ll. 7-67; col. 7, ll. 1-60; and whole document) shows the elements and limitations of claims 35-42.

Langheinrich lacks explicit recitation of the elements and limitations of claims 35-42.

"Official Notice" is taken that both the concept and the advantages of the elements and limitations of claims 35-42 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the selection of such elements and limitations as found in claims 35-42 because selection of such features would have provided

Art Unit: 3622

means for *"improving the system. . . . [and] method for providing customized advertisement selection and delivery on the network."* (See Langheinrich (col. 2, ll. 40-50)).

Independent claim 43 is rejected for substantially the same reasons as independent claim 1.

As per claims 44-56, Langheinrich shows the method of claim 43 and subsequent base claims depending from claim 43.

Langheinrich (FIG. 1; the ABSTRACT; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 4; FIG. 9A; FIG. 9B; FIG. 9C; FIG. 10; FIG. 11; col. 1, ll. 20-67; col. 2, ll. 15-40; col. 2, ll. 49-67; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 15-67; col. 6, ll. 7-67; col. 7, ll. 1-60; and whole document) shows the elements and limitations of claims 44-56.

Langheinrich lacks explicit recitation of the elements and limitations of claims 44-56.

"Official Notice" is taken that both the concept and the advantages of the elements and limitations of claims 44-56 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the selection of such elements and limitations as found in claims 44-56 because selection of such features would have provided means for *"improving the system. . . . [and] method for providing customized advertisement selection and delivery on the network."* (See Langheinrich (col. 2, ll. 40-50)).

Art Unit: 3622

Independent claim 57 is rejected for substantially the same reasons as independent claim 1.

CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Serial Number: 09/748,393

(Harris et al.)

10

Art Unit: 3622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

June 22, 2004